

## **REMARKS**

Applicants have now had an opportunity to carefully consider the Examiner's comments set forth in the Office Action of October 27, 2009. Claims 1-34 remain in this application. Claims 1, 20 and 21 have been amended.

Reconsideration of the Application is requested in view of the comments and amendments herein.

### **I. The Office Action**

Claim 16 is objected to for informalities.

Claim 6 is rejected under 35 U.S.C 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

Claims 1-6, 15-19, 22-24, 33 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Webster (U.S. 5,617,215) in view of DeHority (U.S. 5,129,639) and Allen (U.S. 6,549,299).

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Webster, in view of Allen.

Claims 7, 8, 14, 25, 26 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Webster, DeHority, Allen and Hower (U.S. 5,467,434).

Claims 9-13 and 27-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Webster, DeHority, Allen, Hower, and Neilsen (U.S. 6,639,687).

### **II. Claim Objections**

Claim 16 is objected to for informalities. Line 2 has been replaced with the line suggested by the Examiner. Accordingly, the objection should be withdrawn.

### **III. Rejection of Claim 6 Under 35 U.S.C. 112, Second Paragraph**

Claim 6 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. The Examiner asserts that the limitation "the production monitor controller output" in line 2 has insufficient antecedent basis. Applicant respectfully submits that claim 6 depends from claim 4, which further depends from claim 1, which recites, "a production monitor

controller that receives input...and an output comprising..." Accordingly, there is proper antecedent basis for the recitation in claim 6, and the rejection should be withdrawn.

**IV. Obviousness Rejections**

Claims 1-6, 15-19, 22-24, 33 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Webster (U.S. 5,617,215) in view of DeHority (U.S. 5,129,639) and Allen (U.S. 6,549,299). Applicants traverse for at least the following reason. Webster, DeHority, and Allen do not, individually or in combination, teach or suggest the subject limitations as recited in the present claims.

As amended, claim 1 (and similarly claim 21) is directed to an integrated and digital production and finishing system for producing and finishing work pieces of a job. The system includes a production device and a finishing device controlled separately from the production device and has at least one constraint. The system further includes a production monitor controller that input of at least one constraint from the finishing device and outputs job segment coordination and optimization information, database representation of the structure of the job segments, PDL file for job tracking sheet, PDL for a fetch sheet, integrity descriptors, virtual job tickets for the production and finishing devices, and a prompt to call one or more human operators, based at least in part upon constraints of the finishing device. The production monitor coordinator further presents a user with optimization recommendations. The system further includes a finishing module coordinator that, after receiving information output from the production monitor controller, identifies each device necessary for completion of the job, determines if each needed device is available, and controls, directs and tracks the operation of the finishing device. The finishing device is programmed to automatically process a complex assembly and finishing operation based upon instructions created prior to producing said work pieces. The Examiner asserts that Webster teaches each of the above limitations except presenting users with optimization recommendations. Applicant respectfully traverses.

Particularly, Webster fails to teach or suggest a production module controller that sends an output to a finishing module coordinator that comprises job segment coordination and optimization information, database representation of the structure of the job segments, PDL file for job tracking sheet, PDL for a fetch sheet, integrity descriptors, virtual job tickets, and a prompt to call one or more human operator responses. According to the Examiner, Webster

teaches the claimed production monitor controller by disclosing a scheduler that takes in jobs represented as assembly trees and maps them onto machine modules. The Examiner, however, cites the same scheduler (96, col. 9, lines 1-12) to support the position that Webster teaches a finishing module coordinator. In contrast, the production module controller and the finishing module coordinator are separate and distinct components of the presently claimed system. Webster's scheduler receives jobs from the mark job queue and coordinates the various machine modules to produce the job. The scheduler does not output anything to a finishing module coordinator, since, according to the Examiner, the scheduler performs both functions.

The Examiner acknowledges that Webster fails to teach a finishing module coordinator, separate from a production module controller, which receives job coordination information output from the production monitor controller. The Examiner, however, cites to Allen as disclosing a separate finishing module coordinator in computer 12 that provides instructions that indicate various things about the tasks that are to be performed by the finishing machines. (Fig. 1, col. 3, lines 17-26). The Examiner further submits that it would have been obvious to one of ordinary skill in the art to use a separate finishing coordinator to allow for the use of less expensive machines. Applicant disagrees and asserts that the proposed combination of Allen and Webster is improper as Webster teaches away from having a finishing module coordinator separate from a production module controller.

Instead, Webster teaches of a single Mark Facility Controller that accepts and marks jobs and other communications and controls the overall operation of the Machine Modules. (See col. 8, lines 32-34). Webster explicitly recites, "there is one and only one Mark Facility Controller per configuration of machine modules." (See col. 8, lines 34-37). Since the Examiner has cited Webster's scheduler 96 (a component of the Mark Facility Controller) as reading on both the production module controller and the finishing module coordinator, creating a separate "scheduler" to act as the finishing module coordinator would teach away from the explicit teaching of Webster. As such, since it is improper to combine references where the references teach away from the proposed combination, Webster and Allen cannot be combined. (See MPEP §2145).

Additionally, the Examiner acknowledges that there is no teaching or suggestion in Webster of a production module controller that presents a user with optimization recommendations. The Examiner therefore cites to DeHority as teaching this feature. DeHority,

however, only teaches that when a mismatch occurs between the job requirements and printer configuration, the printer operator is notified and given a chance to change the printer configuration to match the requirements. Applicant submits that offering the operator a chance to fix the printer configuration does not constitute an optimization recommendation. The operator is required to come up with and implement instructions, with no guidance from the system. (See col. 4, lines 20-52). Additionally, Applicant asserts that the operator is only notified when a mismatch occurs. Unlike what is presently claimed, the operator is not provided with optimization recommendations to improve the process generally, but rather is only consulted when a configuration needs correcting.

Moreover, none of Webster, DeHORITY, and Allen teaches or suggests a finishing device that is programmed to automatically process an assembly and finishing operation based upon instructions created prior to the production of a job. In conventional systems, instructions to a finishing device are conveyed manually. The subject claims, however, are directed to the ability to provide final assembly and finishing instructions automatically, as soon as a job is programmed. The cited references fail to contemplate this feature.

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Webster in view of Allen. Specifically, the Examiner asserts that Webster discloses the digital system as claimed in claim 20 except a separate finishing module coordinator. Applicant traverses this rejection for at least the reasons set forth above, with respect to independent claims 1 and 21.

Claims 7, 8, 14, 25, 26 and 32 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Webster, DeHORITY, and Allen as applied to claims 1 and 21 above, and further in view of Hower, Jr. et al. (U.S. Patent No. 5,467,434). It is respectfully requested that this rejection be withdrawn for at least the following reason. Allen in view of Hower, Jr., individually or in combination, does not teach or suggest the subject embodiment as recited in the subject claims.

Claims 7, 8, 14, 25, 26 and 32 depend from independent claims 1 and 21 respectively and therefore contain all the features and element of the independent claim from which it depends. Hower, Jr. fails to make up for the aforementioned deficiencies of Allen.

Claims 9-13 and 27-31 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Webster, DeHORITY, Allen, and Hower, Jr., as applied to claims 8 and 26 above, and further in view of Neilsen (U.S. Patent No. 6,639,687). It is respectfully submitted that this rejection

should be withdrawn for at least the following reasons. Claims 9-13 and 27-31 are dependent on independent claims 1 and 21 respectfully and Neilsen does not make up for the aforementioned deficiencies of Allen.

For at least the reasons states above, Applicant asserts that the claims patentably distinguish over the cited references. Accordingly, the rejection of independent claim 1, 20 and 21 (along with claims 2-19, and 22-34 that respectively depend therefrom) should be withdrawn.

**CONCLUSION**

For the reasons detailed above, it is submitted all remaining claims (Claims 1-34) are now in condition for allowance. The foregoing comments do not require unnecessary additional search or examination.

Remaining Claims, as delineated below:

(1) FOR	(2) CLAIMS REMAINING AFTER AMENDMENT LESS HIGHEST NUMBER PREVIOUSLY PAID FOR	(3) NUMBER EXTRA
TOTAL CLAIMS	34	- 34 = 0
INDEPENDENT CLAIMS	3	- 3 = 0

This is an authorization under 37 CFR 1.136(a)(3) to treat any concurrent or future reply, requiring a petition for extension of time, as incorporating a petition for the appropriate extension of time.

The Commissioner is hereby authorized to charge any filing or prosecution fees which may be required, under 37 CFR 1.16, 1.17, and 1.21 (but not 1.18), or to credit any overpayment, to Deposit Account 24-0037.

In the event the Examiner considers personal contact advantageous to the disposition of this case, he/she is hereby authorized to call 216-363-9000, at Telephone Number (216) 363-9000.

Respectfully submitted,

FAY SHARPE LLP

Date

12/23/09

  
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